

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

RAMON ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Section 7: Rio Brazos

Subfile No. CHRB-002-0001

MOTION FOR SUBSTITUTION OF PARTIES

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer (“State”) and pursuant to Fed. R. Civ. Pro. 25(c) moves the Court to issue its order substituting JOE and ROSINA GARCIA REVOCABLE TRUST for defendant JOE O. GARCIA JR. in these proceedings, and as grounds states as follows:

1. In a recent exchange of title documents, the State learned that title to the property under subfile CHRB-002-0001 is in the name of JOE and ROSINA GARCIA REVOCABLE TRUST. The claims of the defendant under this subfile are disputed, and are the subject of the Pretrial Order filed March 8, 2004 (Doc. No. 7427).

2. The JOE and ROSINA GARCIA REVOCABLE TRUST should be substituted for defendant JOE O. GARCIA JR. in these proceedings.

3. Joseph O. Garcia, trustee of the JOE and ROSINA GARCIA REVOCABLE TRUST, does not object to the granting of this motion.

WHEREFORE the State requests the Court to enter its order substituting JOE and ROSINA

GARCIA REVOCABLE TRUST for JOE O. GARCIA JR. in these proceedings.

Respectfully submitted,

/s/ Ed Newville

EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 827-6150

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above Motion for Substitution of Parties was mailed to following persons on September 11, 2004.

/s/ Ed Newville

Edward G. Newville

DEFENDANT

Joe and Rosina Garcia Revocable Trust
c/o Joseph O. Garcia
13713 Crested Butte NE
Albuquerque, NM

RIO CHAMA SECTION 7 SERVICE LIST

Special Master Vickie L. Gabin
USDC-DCNM
P.O. Box 2384
Santa Fe, NM 87504-2384

Karla McCall, Data Manager.
1315 Sagebrush Dr. SW
Los Lunas, NM 87031

Bradley S. Bridgewater, Esq.
David W. Gehlert, Esq.
USDOJ-ENRD
999 18th St., Suite 945
Denver, CO 80202

John W. Utton, Esq.
Sheehan, Sheehan & Stelzner PA
P.O. Box 271
Albuquerque, NM 87103-0271

Paula Garcia
NM Acequia Association
430 W. Manhattan, Suite 5
Santa Fe, NM 87501

Benjamin Philips, Esq.
John F. McCarthy, Jr., Esq.
Rebecca Dempsey, Esq.

White, Koch, Kelly & McCarthy PA
P.O. Box 787
Santa Fe, NM 87504-0787

Lester K. Taylor, Esq.
Susan G. Jordan, Esq.
Nordhaus, Haltom, Taylor, Taradash
& Bladh, LLP
405 Dr. Martin Luther King Ave NE
Albuquerque, NM 87102-3541

Tessa T. Davidson, Esq.
Swain, Schrandt & Davidson, PC
4830 Juan Tabo, NE, Suite F

Albuquerque, NM 87111

Marcus J. Rael, Jr. Esq.
500 4th Street NW, Suite 200
Albuquerque, NM 87102

Pierre Levy, Esq.
Law Offices of Daniel J. O’Friel Ltd.
P.O. Box 2084
Santa Fe, NM 87504-2084

John P. Hays, Esq.
Cassutt, Hays, & Friedman PA
530-B Harkle Road
Santa Fe, NM 87505

Daniel Cleavinger, Esq.
P.O. Box 2470
Farmington, NM 87499

Ted J. Trujillo, Esq.
P.O. Box 2185
Española, NM 87532-2185

Karen L. Townsend, P.C.
120 East Chaco
Aztec, NM 87410

NM Acequia Commission
Fred Vigil, Chairman
Depart. of Finance & Admin.
Local Government Division
Bataan Memorial Building
Santa Fe, NM 87503

Martin E. Threet, Esq.
Martin E. Threet and Associates
6400 Uptown Blvd. NE Suite 500W
Albuquerque, NM 87110

Liliosa G. Padilla
432 Parkland Dr.
Aztec, NM 87410

Kurt J. Van Deren
Hatch, Allen & Shepherd PA
PO Box 30488
Albuquerque, NM 87190-0488

Gary S. Friedman
Cassutt, Hays & Friedman, P.A.
530-B Harkle Road
Santa Fe, NM 87505

Peter B. Shoenfeld
P.O. Box 2421
Santa Fe, NM 87504-2421